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EXAMINER

LIN, KENNY S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2154

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary

Application No.

09/765,964

Applicant(s)

SALIM ET AL.

Examiner

Kenny Lin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-28 are presented for examination.

Response to Amendment

2. The affidavit filed on 2/25/2005 under 37 CFR 1.131 is sufficient to overcome the Howard et al reference.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 21-28 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. A computer algorithm or software product itself is inoperative unless stored in a computer readable medium.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 2, 4, 8, 10-13, 15, 19, 21, 23 and 27 rejected under 35 U.S.C. 102(b) as being anticipated by Baker et al (hereinafter Baker), US 5,678,041.

7. As per claim 2, Baker taught the invention as claimed including an active information model for an enterprise comprising:

- a. At least one personal information portal wherein the personal information portal indicates an individual within the enterprise (col.4, lines 17-34) and comprises:
 - i. A storage mechanism configured to store information and a role of the individual wherein the role indicates first relationships of the individual with sources of the information and with at least one function that the individual performs within the enterprise (col.4, lines 17-34, col.5, lines 45-65, col.6, lines 4-12); and
 - ii. An active agent configured to retrieve the role from the storage mechanism, exchange the information with the storage mechanism and the sources of the information based on the role, and process the information based on the role (col.3, lines 15-18, col.4, lines 17-67, col.5, lines 1-27, 45-65, col.6, lines 4-12).

8. As per claim 13, Baker taught the invention as claimed including a method of operating an active information model for an enterprise wherein the active information model comprises at least one personal information portal that indicates an individual within the enterprise (col.4, lines 17-34), the method comprising:

- a. Storing a role of the individual in a storage mechanism within the personal information portal wherein the role indicates first relationships of the individual with sources of information and functions that the individual performs within the enterprise (col.4, lines 17-34, col.5, lines 45-65, col.6, lines 4-12);
- b. In an active agent included within the personal information portal, retrieving the role of the individual from the storage mechanism (col.4, lines 17-34, col.5, lines 15-24, 45-65, col.6, lines 4-12);
- c. In the active agent, exchanging the information with the storage mechanism and the sources of the information based on the role (col.3, lines 15-18, col.4, lines 17-67, col.5, lines 1-27, 45-65, col.6, lines 4-12); and
- d. In the active agent, processing the information based on the role (col.4, lines 17-67, col.5, lines 1-27, 45-65, col.6, lines 4-12).

9. As per claim 21, Baker taught the invention as claimed including a software product for operating an active information model for an enterprise wherein the active information model comprises at least one personal information portal that indicates an individual within the enterprise and comprises a storage mechanism and an active agent (col.4, lines 17-34), the software product comprising:

- a. Active agent software operational when executed by a processor to direct the processor to retrieve a role from the storage mechanism, exchange information with the storage mechanism and sources of the information based on the role, and process the information based on the role wherein the role indicates first

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relationships of the individual with the sources of the information and functions that the individual performs within the enterprise (col.3, lines 15-18, col.4, lines 17-67, col.5, lines 1-27, 45-65, col.6, lines 4-12, 49-67); and

- b. A software storage medium operational to store the active agent software (a storage medium is essential for storing software).

10. As per claims 4, 15 and 23, Baker taught the invention as claimed in claims 2, 13 and 21. Baker further taught wherein the role indicates second relationships between elements in the information (col.4, lines 17-67, col.5, lines 1-27, 45-65, col.6, lines 4-12).

11. As per claims 8, 19 and 27, Baker taught the invention as claimed in claims 2, 13 and 21. Baker further taught wherein the active agent is configured to establish connections with the sources of the information based on the role (col.4, lines 17-34, col.5, lines 15-24, 45-65, col.6, lines 4-12).

12. As per claim 10, Baker taught the invention as claimed in claim 2. Baker further taught wherein the active agent comprises a provider interface configured to exchange information between the active agent and the source of information (fig.3: processor and network resources communication; col.3, lines 15-18, col.4, lines 17-67, col.5, lines 1-27, 45-65, col.6, lines 4-12, 49-67, col.7, lines 1-50; It is inherently to include an interface for exchanging information between two devices).

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13. As per claim 11, Baker taught the invention as claimed in claim 2. Baker further taught wherein the active agent comprises a consumer interface configured to establish connections with the sources of the information based on the role (fig.3: processor and network resources communication; col.3, lines 15-18, col.4, lines 17-67, col.5, lines 1-27, 45-65, col.6, lines 4-12, 49-67, col.7, lines 1-50; It is inherently to include an interface for communication between two devices).

14. As per claim 12, Baker taught the invention as claimed in claim 2. Baker further taught wherein the active agent comprises an execute interface configured to exchange and process the information based on the role (col.3, lines 15-18, col.4, lines 17-67, col.5, lines 1-27, 45-65, col.6, lines 4-12, 49-67, col.7, lines 3-50; fig.4-6).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 1, 3, 5-7, 9, 14, 16-18, 20, 22, 24-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al (hereinafter Baker), US 5,678,041, in view of Davis et al (hereinafter Davis), US 5,937,388.

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17. Davis was cited in the previous office action.

18. As per claim 1, Baker taught the invention substantially as claimed including an active information model comprising:

- a. At least one personal information portal having access to an active engine, an information service, and a persistent storage service (col.4, lines 17-67, col.5, lines 1-27, 45-65, col.6, lines 4-12),
- b. Said active engine associated with a datasource, and a relation; said active agent being related to an individual's role within at least one enterprise (col.3, lines 15-18, col.4, lines 17-67, col.5, lines 1-27, 45-65, col.6, lines 4-12),
- c. Said relation associated with a rule and an association (col.3, lines 15-18, col.4, lines 17-67, col.5, lines 1-27, 45-65, col.6, lines 4-12),
- d. Said datasource associated with a category (col.4, lines 44-67, col.6, lines 57-61).

19. Baker did not specifically teach that the active engine to associate with a workflow, said workflow associated with a command and an action. Davis taught an active engine associated with a workflow wherein commands and actions can be issued (col.3, lines 7-15, col.4, lines 15-19, 37-40, 47-57, col.5, lines 15-48, col.7, lines 24-26, 32-40) and that the datasource is associated with a category (col.4, lines 27-32, col.8, lines 15-17, col.17, lines 6-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Baker and Davis because Davis' teaching of workflow and data

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categorization would enhance the workflow in Baker's more effectively (Davis, col.17, lines 6-11).

20. As per claims 3, 14 and 22, Baker taught the invention substantially as claimed in claims 2, 13 and 21. Baker did not specifically teach wherein the role further comprises a plurality of categories of the sources of the information wherein the categories define access to and treatment of the information. Davis taught to categorized sources in the datasource defining access to and treatment of the information to provide more effective workflow processing (col.4, lines 27-32, col.8, lines 15-17, col.17, lines 6-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Baker and Davis because Davis' teaching of workflow and data categorization would enhance the workflow in Baker's more effectively (Davis, col.17, lines 6-11).

21. As per claims 5, 16 and 24, Baker taught the invention substantially as claimed in claims 2, 13 and 21. Baker did not specifically teach wherein the role comprises workflow that indicates movement of the information between the sources. Davis taught to comprise workflow that indicates movement of the information between the sources (col.1, lines 51-56, col.5, lines 15-48, 56-67, col.6, lines 1-6, 44-54, col.7, lines 24-26, 32-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Baker and Davis because Davis' teaching of workflow management and process help to process Baker's method to perform workflow control, monitoring data exchanging and security (Davis, col.1, lines 51-56).

22. As per claims 6, 17 and 25, Baker and Davis taught the invention as claimed in claims 5, 16 and 24. Davis further taught wherein the workflow comprises a plurality of commands that move the information between the sources (col.3, lines 7-15, col.4, lines 15-19, 37-40, 47-57, col.5, lines 15-48, col.7, lines 24-26, 32-40).

23. As per claims 7, 18 and 26, Baker and Davis taught the invention as claimed in claims 5, 16 and 24. Davis further taught wherein the workflow comprises a plurality of actions that modifies the information (col.2, lines 37-39, col.3, lines 7-15, col.4, lines 15-19, 37-40, 47-57, col.5, lines 15-48, col.7, lines 24-26, 32-40).

24. As per claims 9, 20 and 28, Baker taught the invention as claimed in claims 2, 13 and 21. Baker did not specifically teach wherein the active agent is configured to log events that the active agent has performed in the storage mechanism. Davis taught a workflow management system with active agent keeping logs of the actions performed in storage (col.2, lines 42-44, col.7, lines 41-45, 55-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Baker and Davis because Davis' teaching of logging the events helps Baker's method to prevent workflow restart when system or workflow failures occur (Davis, col.7, lines 41-45).

Conclusion

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25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leppek, US 6,189,104.

Ouchi, US 6,539,404.

26. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl
May 12, 2005

